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August 8, 2023

VIA EMAIL

Special Master Monté T. Squire
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Re: Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc., C.A. No. 21-1015-GBW

Dear Special Master Squire:

The parties write to request the scheduling of a discovery conference.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet and-confer by telephone on the following date: July 21, 2023.

For Nippon Shinyaku (“NS”): Amy Dudash, Amanda Williamson, Michael Sikora (all of Morgan, Lewis & Bockius LLP)

For Sarepta Therapeutics (“Sarepta”) and the University of Western Australia (“UWA”): Megan Dellinger (Morris, Nichols, Arsht & Tunnell LLP); Ryan O’Quinn, Yoonjin Lee (all of Finnegan, Henderson, Farabow, Garrett, & Dunner LLP)

The issues requiring judicial attention are listed below:

1. Whether Sarepta must designate a witness in response to NS’s Rule 30(b)(6) Topics Nos. 56 (generally relating to Sarepta’s average sales price reports), 67 (generally relating to Sarepta’s understanding of Vyondys53’s commercial success), and 93 (generally relating to Sarepta’s knowledge of Interference No. 106,007).
2. Whether Sarepta, in the wake of clawing back information regarding the units of its exon 51 and exon 45 products, must provide NS information sufficient to show the relative amount of free drug it provides for the accused product Vyondys53, compared with its other exon skipping products.
3. Whether UWA must designate a witness in response to NS’s Rule 30(b)(6) Topics 9, 13, 14, 16, 21, 24, 25, 26, 27, 29, 31, 32, 33, 34, 40, 41, 43, 44, 45, 46, 47, 48, 50, 51, 52, 57, 58, and 59.

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4. Whether UWA must conduct reasonable searches for and produce documents specifically in response to NS's requests for production.
5. Whether NS should be ordered to produce (i) a Rule 30(b)(6) witness to provide testimony on three research reports in NS's custody (NS00102924-987, NS00102988-3060, NS000103061-110, collectively the "CERI Reports") and (ii) all documents relating to the CERI Reports and any correspondence within NS, between NS and the Chemical Evaluation and Research Institute, and between NS and any other entity or individual, regarding the CERI Reports.
6. Whether NS should be ordered to produce a witness to cure the deficiency of Mr. Naoki Watanabe's testimony with respect to Sarepta's Rule 30(b)(6) Topic No. 31, relating to the first awareness by NS and/or National Center of Neurology and Psychiatry of Popplewell et al., Neuromuscul Disord (2010) 20:102-10 and U.S. Patent Publication No. 2010/0168212.

Respectfully submitted,

/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)

CC: Counsel of Record (via electronic mail)